

# Notice of Allowability

Application No.

10/688,761

Examiner

Karie O'Neill

Applicant(s)

KANAI ET AL.

Art Unit

1795

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed October 15, 2007.
2. ☒ The allowed claim(s) is/are 1-3 and 6-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 10-1-07
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. The Applicant's amendment filed on October 15, 2007, was received. Claims 1, 6, 17, 18 and 20 were amended. Claims 4-5 have been cancelled. Therefore, Claims 1-3 and 6-20 are pending in this office action.

### ***Information Disclosure Statement***

2. Information disclosure statement (IDS), submitted October 1, 2007, has been received and considered by the examiner.

### ***Reasons for Allowance***

3. Claims 1-3 and 6-20 are allowed.
4. The following is an examiner's statement of reasons for allowance: the closest prior art, Yoshizumi et al. (US 2002/0094469 A1) and Yamada (JP 2004-006183 A), do not teach or fairly suggest an exhaust gas processing device for a fuel cell, comprising: a reservoir, an agitating gas introduction pipe or inlet provided in the reservoir, and an exhaust gas pipe adapted to carry the cathode exhaust gas discharged from the fuel cell, wherein said exhaust gas pipe extends through a lower part of the reservoir and includes at least one hole positioned within the reservoir; wherein a pressure of the cathode exhaust gas flowing through the exhaust gas pipe is lower at the reservoir than a pressure in the reservoir. The distinguishing feature of the instant application over the prior art is, wherein the pressure of the cathode exhaust gas flowing through the exhaust gas pipe is lower than a pressure inside the reservoir, because the purged

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hydrogen, retained in the exhaust fuel diluter located within the reservoir, is drawn in to the cathode exhaust gas pipe through the at least one hole in the exhaust gas pipe, in order to mix hydrogen with discharged air to dilute the hydrogen to a lower concentration before discharging to atmosphere. The pressure being higher in the reservoir than in the exhaust gas pipe allows for the hydrogen gas to easily flow or be drawn in to the exhaust gas pipe. Also, because the body of the independent claims contain structural subject matter that depends on the structural parts of a fuel cell, the preamble in the independent claims is given patentable weight.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karie O'Neill whose telephone number is (571) 272-8614. The examiner can normally be reached on Monday through Friday from 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
PATRICK JOSEPH RYAN  
SUPERVISOR EXAMINER

Karie O'Neill  
Examiner  
Art Unit 1795

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